

CALENDAR ITEM

C54

A 72

08/19/15

S 34

PRC 3288.1

R. Collins

REVISION OF RENT

LESSEE:

Huntington Marina Association

LAND, TYPE, AND LOCATION:

Sovereign land in Huntington Harbour, adjacent to Assessor's Parcel Numbers 178-581-02, 03, 04, and 05, City of Huntington Beach, Orange County.

AUTHORIZED USE:

The continued use and maintenance of 24 existing boat docks with dinghy docks and 24 access ramps.

LEASE TERM:

10 years, beginning August 23, 2010.

CONSIDERATION:

This lease provides that Lessor may modify the rent periodically during the lease term. Pursuant to this provision, staff conducted a review of the rent under this lease and recommends that rent be revised from \$163 per year to \$240 per year, effective August 23, 2015.

OTHER PERTINENT INFORMATION:

1. Lessee has the right to use the upland adjacent to the Lease Premises.
2. On October 29, 2010, the Commission authorized a General Lease – Recreational Use to Huntington Marina Association, for the continued use and maintenance of 24 existing boat docks with dinghy docks and 24 access ramps. The lease will expire on August 22, 2020.
3. Pursuant to Public Resources section 6503.5 (Section 6503.5) then in effect at the inception of the lease, no rent was charged for private recreational piers when operated by associations consisting of natural persons who own single-family dwellings on the littoral, or upland, property. The Lessee is a townhouse association consisting of 92 members, including one Limited Liability Company (LLC) when the lease was issued. An LLC is not considered a natural person, and did not

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qualify for rent-free status under Section 6503.5. Therefore, the rent was prorated according to the number of members that did not qualify for rent-free status. Staff has applied the same proration of rent for the remaining lease term.

4. Staff recommends that the Commission find that the subject revision of rent does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

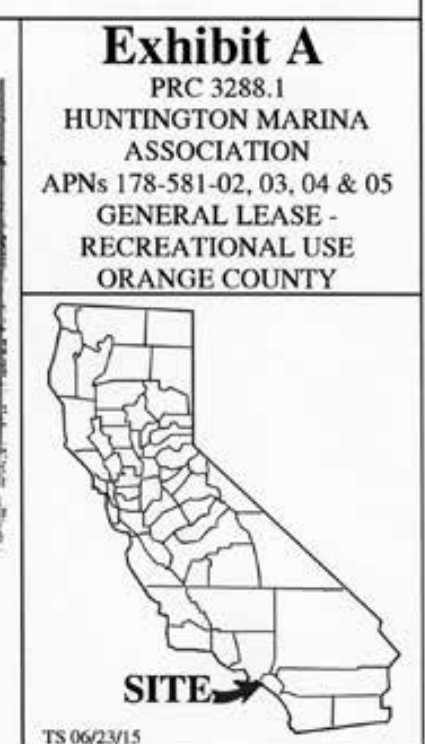
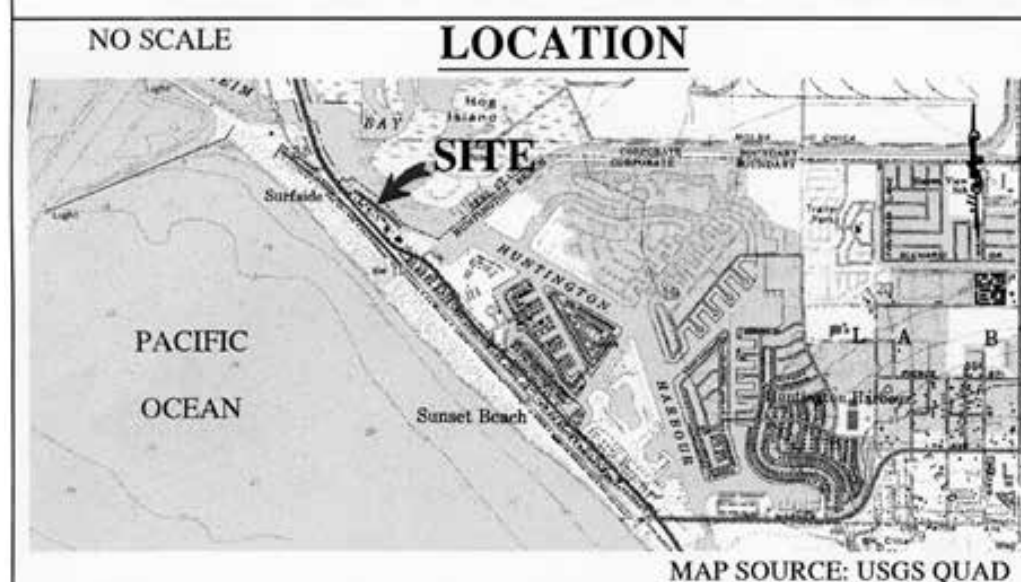
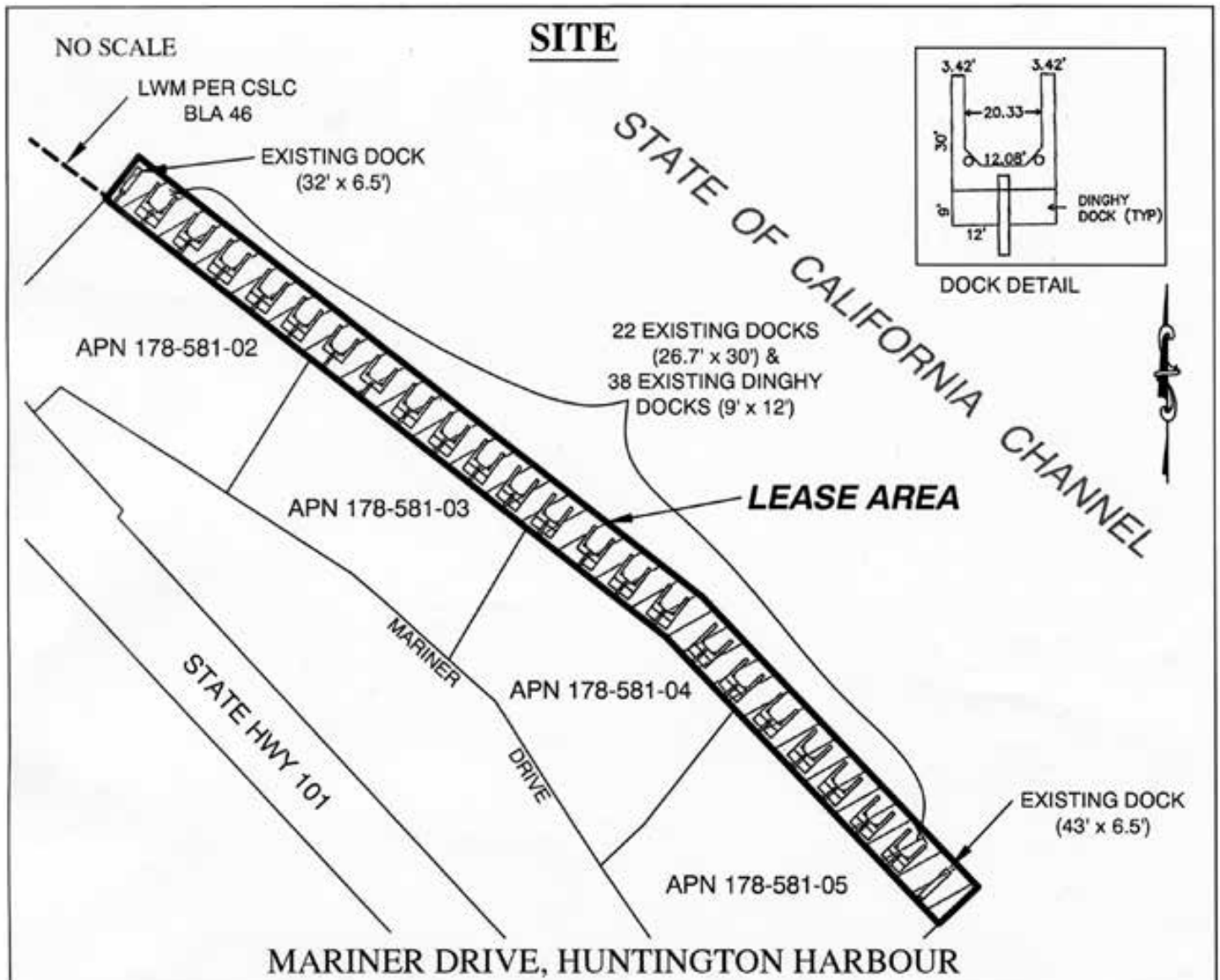
It is recommended that the Commission:

CEQA FINDING:

Find that the subject revision of rent is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

AUTHORIZATION:

Approve the revision of rent for Lease No. PRC 3288.1 from \$163 per year to \$240 per year, effective August 23, 2015.



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.